### ERIE'S RECEIVER.

Proceedings Against Mr. Jewett Continued.

The Case Transferred by Habeas Corpus to the Supreme Court.

JUDGE MORGAN REFUSES BAIL.

The case of The People against Mr. Hugh J. Jewett, sterday morning, before Judge Morgau, in the Jefrson Market Police Court. On the Sixth avenue side the court house the presence of a large number of carriages attested the interest which moneyed men there were present among others ex-Governor Mor-gan, Marshai O. Reberts, ex-Judge Comstock, Colonel Henry G. Stebbins, General Martin T. McMahon, Colonel Fellows, Superintendent Bowen, of the Erie Rail-rosa; Colonel Dupoy, of the Mobile Railroad; John S. Leive, of the Northern Central Railroad; John R. days of Drew, Fisk & Co., and Mr. Brown, of the Fourth Avenue Railroad. The room in which the proceedings took place, although a spacious one, was crowded by counsel, witnesses and interested specta-tors, who paid marked attention to what was taking

THE PROCEEDINGS.

Judge Morgan having announced his readiness to proceed, at ten minutes after ten o'clock Mr. Beach, of counsel for the prosecution, said he would ask that the accused be denied the right of waiver, that the examination should proceed and that he would profuce evidence tending to sustain his position. Mr. Fullerton would not discuss the question, saying his chent's rights were a century old. After a short reply rom Mr. Beach Judge Morgan stated that he had read the authorities and consulted the District Attorney; he statute was mandatory and he would proceed with the examination, otherwise he would be derenct in duty. The witness would, therefore, he swern and

Mr. Fullerton offered ball for Mr. Jewett, and asked the Court to name the amount. The bondsmen offered by counsel were Marshall O. Roberts, R. Sheriff, exlovernor Morgan and Henry G. Stebbins. Judge dorgan declined to accept bail until his magisterial tuties had been performed. Mr. Fullerton protested

against this decision of the Court.

Mr. E. D. Smally, Deputy State Engineer, upon being sworn, produced a certified copy of the report of Eric Railway, filed November 24, 1877, and sworn to by Hugh J. Jewett, receiver of that road. Mr. Fullerton waived his right of cross-examination, and the report, whose leading features have already been published, was put in evidence. Mr. Fullerton asked the prosecution to point out the particular parts of the report which they relied upon; he objected to the shrowing in of a bushel of chaff with a gran of wheat in it. Mr. Beach replied that the prosecution had aiready stated their reliance upon four specific points, but claimed their right to use any matter which might prove to be unitue. The Court agreed with Mr. Fullerton, and believed it was useless to embark in "a fishing excursion" through such a bulky document. Mr. Beach supposed the gentlemen wanted to kill time, as they were then preparing an application for a writ.

Mr. Charles Barrett, of No. 149 West Forty-first street, being sworn, said he was an expert in accounts and had made an examination of the balance sheets and some of the books of the Eric Railway Company, in December last; the balance sheets were given to the withess by Mr. Luttle, the auditor of the road.

"Are you able," asked Mr. Beach, "to state, from such examination, what the funded debt of the company was for the fiscal year of 1877?"

"I am, sir."

Mr. Fallerton objected. There had been no conto by Hugh J. Jewett, receiver of that road, Mr.

yany was for the fiscal year of 1877?"

"I am, sir."

Mr. Fullerton objected. There had been no connection established between these balance sheets and Mr. Jewett. The paper spoke for itself and could be put in evidence. Some legal sparring now took place between counsel, after which the paper in Mr. Barrett's hands, made out by him from the balance sheets, was submitted in evidence. The winess continued—The paper presented by him was a memorandum of the items which he had comed from the books.

Mr. Alien, of counset for the prosecution, asked the witness to state the amount of indebtedness of the Eric Railway at that date. Mr. Fullerton objected, asying that the balance sneets would show this.

Mr. Little, of the Eric Railway, then took the stand, and handed in evidence Receiver Jewett's books, after which Mr. Barrett was recalled and identified the books as being among those which he had examined. Mr. Alien then repeated his question as to the amount of the Eric road's indebteeness, and Mr. Fullerton again objected. Finally the witness was showed to make his statement, as based upon his own figures, which he had copied from the company's books. or ... Barrett said that the sum of the funded debt of

hr. Barrett said that the sam of the inneed debt of the Eris road, for the fiscal year of 1877, was \$05,024,376 47, and the floating debt amounted to \$250,508 80; several items, which amounted to \$250,508 82, were not included in the sums men-tioned, as the witness was not sufe that they properly belonged to the floating debt. The total amount of tioned, as the witness was not sufe that they properly belonged to the floating debt. The lotar amount of the lidned and floating debt, exclusive of the \$2.92.58 \$2, was \$58,185,110 33. The following were classed as items of the company's funded deot;—Bonds, \$54,994,600; mortgages on real estate, \$167,001 50, Wechawken Docks, \$920,760 40; Beston, Hartford and Eric bones, guaranteed on account of Wechawken Docks, \$400,000; interest on coupon account, composed of interest in delauit and in process of payment, \$6,32,543 26; accrued interest, \$5019,471 21. Note of the company's floating debt is counted under the head of innaed aebt.

ENDRE GROSS-EXAMINATION.

The witness stated that he made the examination of the company's cooks at the request of Messrs. Dunning, Eliseit and Fowler; he had been engaged in goid mining, slate quarryine, steam shovel manufacturing, bookkeeping; upon marrow gauge railroads and also with the Vermont Railroad; could not say whether, long ago, while engaged on the Vermont road, he had occasion to use the terms funded and floating debt; had see Guerrai Sickles, but due not know him; he had not been spoken to by counsel engaged in the Eric sults.

Q. Where did you acquire this large experience you speat of in railroad affairs. A. I have examined the amount reports of the Michigan Centrai, New Jersey Centrai, Delaware and Hudson, and Delaware, Lackawanna and Western, and several Boston roads.

Mr. Funierton how pressed the witness for a definition of want constituted in his opinion, funded and floating debts. Mr. Barrett looked very much puzzied as the counsel propounded poser after poser, lossing upon an exact collination of the true cases of debts,

as the counsel propounded poser after poser, hisisting upon an exact connition of the true casses of debts, and urging aim to blorm the Court what exact reason induced him to class one frem in the floating and anhadded him to class one item in the hoating and another in the indied debts accounts.

AN INTERCETION.

At this juncture, much to the evident relief of the winness, Mr. Joseph Stiner pushed his way into the centre of the room and holding some papers above, his head said:—

"Your Honor, I have writs of habeas corpus and certificat issued by Judge Donolaue, of the Supreme Court, returnable at one o'clock, which I now serve on Your Honor."
It was then just noon, and, after some discussion as to the Court's abinity to have the papers ready by one o'clock, this honor dectared the proceedings at an end before him.

an end before him.

At the appointed time Supreme Court, Chembers, began to hit with the lawyers and parties interested in the case on both sides. There were present for the prosecution Messrs, Henry C. Allen and W. A. Leach, and for the defence ex-Judge Consisters, Colonel John R. Fellows and Mr. MacFariand. Receiver Jewett was present, and next to him sat ex-Governor Morgan. At two o'check Judge Donohue appeared on the bench, but the writ of habeas corpus was not returned. Some one suggested that it had been taken to the District Attorney's office, and a messenger was sent there for it in a few moments Assistant District Attorney Bell appeared, and said that the writ had not yet been received. A recess of one hour was tuen taken to allow Judge Morgan to return the writ from the Jederson Market Police Court. At a quarter-past three all parties again eatered time court room, and Mr. Bell presented the writ, with the accompanying papers. He read the return which related to the history of the case in Jefferson Market Court. I showed that at ten o'chock on the morning of February 6 (yesterday) the Judge consinted the hearing of the case. The prisoner renewed his offer of ball, which the magistrate localised to ackept and proceeded with the examination. Iwo witnesses were sworn, and while the second was being examined the writ had been served, and proceedings were consequently suspended.

Mr. Feilows moved that flis Honor fix ball in the IN SUPREME COURT, CHAMBERS.

duently suspended.

Mr. Follows moved that His Honor fix bail in the

Mr. Bell interposed that Mr. Jewett was not in cus-

Mr. Bell interposed that Mr. Jewelt was not in custody, but was aiready out on bath.
Mr. Fellows replied that by the present conditions of his bail bond Mr. Jewelt was required to attend from hour to flour or from day to day an examination which might continue for an indefinite period of

Mr. Bell said that the first question to pass upon would be whether the magnetrate had decided correctly in going on with the examination not withstanding Mr. Jawett's offer to waive it.

Mr. would be whother the manufacton notwinds in going on with the examination notwinds.

Jewett's offer to waive it.

ARGUMENT FOR THE PROSECUTION.

Mr. Beach then began the argument for the prosecution. He quoted from the thirteenth section of the law governing examinations before police imagistrates, which says that the Judge, as soon as possible, "shall" proceed to examine the witnesses produced in support of the prosecution, on oath, and "in presence of the prisoner," with regard to the offence charged and any matters connected with it which he might deem pertinent. The statute was mandatory, might deem pertinent to statute was mandatory, might deem pertinent.

could not of his own volition elect to interrupt that examination. It would have to proceed until the magistrate should either find probable cause for holding the prisoner and commit or oall him, or should find no sufficient cause and discharge him. The law had been framed in this way to forward the detection and punishment of crime. For this purpose also the Judge had power to compel witnesses to be sworn and give evidence. Mr. Beach said it was not for the District Attorney to assist in stopping such proceedings but rather to urge their prosecution. If the motion of Mr. Jewett's connect should be austained it would not be a mere waiver but a supersedence of the whole proceedings. Mr. Beach quoted many authorities in fewor of his argument and Judge Dononne cited several opinwins of a contrary character. Mr. Beach said that as the Judge appeared to have already made up his mind it would be useless for him to argue further. Judge Donohue said he would hear anything further that counsel might have to say, but Mr. Beach declared that he had concluded his argument.

Mr. Fellows sext spoke in support of the motion to fix ball. He said that the statute was not so mandatory in its terms that there was no power which might intervene to stop action on the part of the magistrate. There was another provision which might step in and divest the magistrate of all authority in the case. He wisned to take a broad view of the objects of the law. It was framed to allow a person under a criminal charge to make his innocence clear to the world before an inferior magistrate without being subject to the annoyance of an indictment and the long trial that would result. It he could prove his innocence, then the magistrate would have purposes of the trial in the police court, to waive an examination and admit that there was probable cause to hold him. This he wished to do to escape the trouble and annoyance of attending the court. Mr. Jewett was prevented at present from loaving the city, and time was taken from him that he ought to dev

### QUEER POLICE JUSTICE.

TO THE EDITOR OF THE HERALD :-

I once heard of a famous general of the army who, having lett active service and returned to the practice of the law, was engaged in a litigation some years ago in which heavy fees were to be earned and some sharp work to be performed. The General found that an old companion in arms and political thum was then filling the position of police magistrate or justice of the

| Yards Rise.                 | Killed  | Missed |
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WESTFORT, Conn., Feb. 6, 1878.
Last night there was an interesting main of cocks fought between Westport and Norwalk and Bridge port and New Haven. The sport took place in the stable of a gentleman's barn, situated in a retired tocality between Norwalk and Southport, and abou equidistant from each place. Some one hundred and fity sporting men and game bird fanciers were present, New Haven and Bridgeport choosing from fitteen and Westport and Norwalk from eleven as fine birds as ever were placed in a pit. The night, being bitter cold, was invocable for operations, and the sport began at ten o'clock. The terms of agreement between the parties were that each should show seven cocks weighing from 4 lbs. 4 oz to 5 lbs. 8 oz., and fight all that might tall in. The contest was for a stake of \$50 each battle and \$150 on the main. Seven birds on each side fell in, and the cutting and heeling commenced promptly.

FIRST BATTLE - Westport showed a brown-red weighing 5 los, 8 oz., bred by a Norwalk gentleman; Bridgeport a black-red of the same weight. For the first ten minutes this was a give and take fight all around the pit, when the brown-red lost both eyes,

first ten minutes this was a give and take fight all around the pit, when the brown-red lost both eyes, but, being a game cock in the strict sense of that term, stack to his adversary, killing him in 20 minutes. This victory at the offset gave the odds slightly in layor of Westport winning the main, as it was, in fact, the heavy weight fight of the evening. Bridgeport had wagered much on the result, and, as a consequence, lost heavily.

SECOND BATTLE —Westport showed a brassback tassed weighing 4 lbs. I oz.; Bridgeport a brown red weighing 4 lbs. I oz.; Bridgeport a brown red weighing 4 lbs. I oz.; Bridgeport a brown red weighing 4 lbs. I oz.; Bridgeport a brown red weighing 4 lbs. I oz.; Bridgeport a brown red weighing 4 lbs. I oz.; Bridgeport a brown red weighing 4 lbs. I oz.; Bridgeport a brown red weighing 4 lbs. I oz.; Bridgeport a brown red weighing 4 lbs. Oz. a bigu header and a lavorite, owned in New Haven. The little tassel went to work plucking at the lavorite and sent him spinning on his back in a corner of the pit, but the lavorite brown was up and at a again in a moment, when the tassel began an upniti joo, but making fly after fly in such quick succession that the other bird could not recover soon enough to reach the smaller one's head. This was an animated fight for about twenty minutes, when the brown land down his bean and could not muster courage enough to come to time. His attempt to chimb out of time pix resulted in the tassel being declared the winner. Time, 25 minutes. Second victory for Westport and Norwaik. Ouds were now offered on the result, with no takers.

This was a one-sided contest throughout, as the moff poved to be so rapid a fighter that the red found it impossible to get in a good stroke. As a consequence the muff made sure work in kitling his brid. Time, 15 minutes.

port and New Haven. This promised to be a good fight, as the latter had put forth their best bird, and a loss of this battle would decide the main. Both birds fought splendidly, but, owing to the better care which the Westport bird had received at the hands of one of the finest trainers in the country, it seemed impossible from the start for Bridgeport to win. The tassel, after an animated tussel, drove Briggeport from the pit, thus winning the main in four straught beats. Time, 5 minutes. This ended the evening's sport, Bridgeport deciding to continue the fight no further, as it was evident that the Westport and Norwalk lowis, which were gamy to a high degree, had not once shown the white feather and were in such fine condition that they could not be wripped, even by better birds.

The after was a pleasant one, only marred by a rumor just before the fighting commenced that the police of Bridgeport and Norwalk had learned of the main and would take steps to break it up. This proved to be without loundation, and the sport continued to the satisfaction of all and without interruption to the close.

### CURLING AT ALBANY.

[BY TELEGRAPH TO THE HERALD. ] ALBANT, Feb. 6, 1878.

The St. Andrews Curling Club won the Grand National Club medal to-day by six shots. St. Andrews

THE MARTINEZ SUICIDE.

HIS PRIENDS UNABLE TO FIND ANY CAUSE FOR

IT-WHAT THEY SAY OF DECEASED. HERALD yesterday, was a shock to his cumerous friends in this city. The gentleman was a Cuban, a former resident of Matanzas, and had been living in New York for about twenty years. His age was about fifty, and no cause could be assigned for his suicide. His business affairs were supposed to be prosperous and his domestic relations undisturbed. He resided with his wife, it is supposed, happily, at their residence, No. 59 East Fifty-ninth street. The business of the deceased was carried on at office No. 20 in the building No. 52 Exchange place, and there yesterday a reporter called. The office, on the third floor, was closed. On the door was the sign of the firm, "Juan Martinez-Hernz," the latter name being an abbrevia-tion of the name Hernandez, the brother and partner

Agency of the control On Broad street an intimate friend of his was found, a member of a commission firm, who was reluctant to speak about the affair but gave some particulars of interest. He said Martinez and his brother Herman-

once to see Mr. Waterbury, about a year and a half ago, and that is all. You may remember he reported it at the time. All other stories about my having been seen here are untrue. Of course, I know there have been such stories. Why, my own brother-in-law told me that his nepnew said to met me on Broadway and that I looked at him, and then, when he was about to speak, walked away," and the genial exponitions naughed heartily. "I am going to take an office and occupy myself for a time with straightening out my business affairs. Further than that I can say nothing of my plans, for I have none other at present."

# A LENATIC'S (?) ESTATE.

A motion was made before Judge Pratt, of the Kings County Supreme Court, yesterday for the appointment of a committee of the property of Andrew L. Hail, an alleged lunatic. With the motion, which was made for Mrs. Hail, was presented the testimony was made for Mrs. Hall, was presented the testimony taken before the commissioners. Judge Pratt asked Mr. Hall, who was in the concroom, several questions, at the concusion of which he expressed a doubt as to the man's insanity. Mrs. Hall's counsel thereupon stated that his client was siried to live with her husband, as he had not only tries to kill her, but also his mother, and at times was uncontrollable. Counsel claimed that Mr. Hall had been twice in a lubatic asylum, and bad also been under the care of a private keeper at home for nearly a year. The proceedings were objected to by Mr. Hall's counsel on the ground that they were irregular, and also on account of the jury, one or two of whom had endeavored to borrow money from counsel. Counsel for petitioner claimed that approaches could be shown from the other side. Judge Pratt took the papers in the case and reserved his decision.

# COMMITTED FOR ROBBERY.

Michael Roth, alias Michael Larkin, who was art rested at a late hour on Tuesday night at Owen Geo-ghegan's place, No. 103 Bowery, by Captain Riley and Detective Brady, of the Thirteenth precinct, Brook-lyn, was committed to Raymond Street Jail yesterday lyn, was committed to Raymond Street Jail yesterday by Justice Riley. The present charge against the prisoner is that of roobing the residence of Henry Bainsville, No. 150 Throop avanue; but, it is alleged, many other robberies will be proven against him. Justice Waish yesterday committed Auranam Down-ing, alias "Clama," to jail until next week, when he will be tried for robbing several residences. "Clama" was arrested on Tuesday by Detective Connors, of the Tenth product.

# STOLEN CHESTS OF TEA

The grocery store of Thomas B, Reilly, at No. 441 East Fourteenth street, was entered by burglars on the night of the 27th of January and several chests of tea were carried away. A man named Joseph Con nors, of No. 409 East Sixteenth street, who was seen hanging around Relily's store the might of the burglary, was strongly suspected or being concerned in, and he was arrested on Tuesday night by Officer McCarty, of the Eighteenth precinct. He was arranged before Judge Otterbourg at the Fifty-seventh Street Court yesterday and held in \$1,000 ball to answer.

# THE MERRILL WILL.

Continuation of the Contest Before the Surrogate.

TROUBLE ABOUT A LETTER.

Interesting Testimony of Acquaintances of the Deceased.

The taking of testimony and the hearing of argument in the contested will case of Mrs. Caroline A. Merrill was resumed before Surrogate Calvin yesterday. The court room was more crowded than on the previous day, and the interest of the general public in the proceedings appears to be increasing. Several of the contestants' witnesses testified, and the last one, Mr. Farrish, created considerable amusement. He is afflicted with a slight deafness, and his infirmity was very manifest when any objection was made to a question; the answer always came before he heard that he was not to answer. His description of persons and things was very graphic, and invariably set the court room in a roar of laughter.

THE PROCEEDINGS. was examined by Mr. Parsons. He said:—I am the senior member of the firm of Brown Brothers, bank-ers; I knew Captain Merrill and his wife; I became acquainted with them fifty years ago; that was in New York; I knew him in Baltimore some years before; he was captain of the ship Avenua; I was living at Baltimore then; at that time Captain Merrill's ship was consigned to our firm; my acquaintance con-Mrs. Merrill since Captain Merrill's death; I was as intimate with Captain Merrill as any man could be Merriff; he used to play with my children; I boarded with Captain and Mra Merriff when they first came

Did Mr. and Mrs. Merrill talk to you about

onence must be ascertained before it could be criticised.

Mr. Parsons said be would call the attention of the Stringate to the fact that George Merrill was engaged to the lady in 1862; shortly after that time he was married. It is paper was dated October 3, 1863. In this letter the writer says:—"Does Mr. Brown remember the unchristian and the ungentlemanly—"Ex\_Judge Porter objected to the reading of the letter in that way. Great latitude had been allowed in the opening of the case. He could not allow letter after fetter to be read, and he submitted to the Court that it would involve a vast consumption of time if lotters and scraps of writing found in the eighty tranks of Mrs. Merrill were to be submitted to such a reading. That if there were any parts of the letter which bore on the matter before the court, then let them be marked by Mr. Parsons and submitted to the Surrogate before they were read.

Mr. Parsons said it was quite evident that his friend, Judge Porter, had been reading the letters and papers that had been ind assue for this case by agreement of counsel. He would trankly admit that there were papers there the contents of which were no pross that they should not be read if it could be avoided, and they did not intend to read them if they could do without it. But it letters had been written snowing unsoundness of mind it would probably to necessary even to produce these letters. He did not claim that the letter was ever written to Mr. Brown or son to him. What he did claim was that it was a letter that could not be written by a person of sound mind. But this letter, viewed in the light of the testimony given by Mr. Brown, showed that he was the Mr. Brown reletted to.

An Anoxymous letters.

Mr. Brown she recalled, and in reply to questions by Mr. Persons said that about a year after the interview to which he had testified he received an anony mous letter; he had never been able to diidersiand it before, but that now the anonymous letter was explained.

Ex-Judge Porter objected and said that it fid

stand it before, but that now the anonymous letter was explained.
Ex-Judge Porter objected and said that it fild not appear that Mrs. Merrill ever wrote an anonymous letter in her life or that the letter received was in Mrs. Merrill's handwriting. He submitted that the evidence was incompetent and did not establish the letter.

Mr. Parsons said that he intended to show that this anonymous letter was a copy of the one produced.

Mr. Brown then said that he had read the letter which had been offered in evidence; the anonymous one he had destroyed.

which had been offered in evidence; the anonymous one he had destroyed.

Ex-Judge Porter objected, after which Mr. Parsons continued the examination of Mr. Brown, who said that the words, "I cannot give an answer until I have consulted my coachman" and "I will let you know in the morning," were in the anonymous letter; there never was such an occurrence as the consultation with his coachman; he never heard of any auch remark as that except in the anonymous letter referred to; the anonymous letter was in a disguised handwriting; it looked like the handwriting of an ignorant person. A long argument followed, in which exjudge Porter, Mr. Persons, Mr. Jaques and Mr. Homer A. Nelson took part, after which the Surrogate said the Court would take a recess and he would then give his decision.

AFTER THE RECESS.

After recess the Surrogate said that in the present state of the proof the letter should be rejected, and ordered it to be marked as an exhibit for identification.

Dr. Harris was then recalled. He was shown a letter than the same whatter it was one written to

Dr. Harris was then recalled. He was shown a letter, and asked to say whether it was one written to George Merriti, by witness, at Mrs. Merriti's dictation. After ex-Judge Porter had read the letter he said he had no objection to it being marked for identification. The witness said it was the letter written in 1861. The letter and the reply were both excluded, but wore marked for identification. Another letter was shown to him, written by Caplain herril, dated September, 1845, and was identified. This was marked for identification.

ALANYER'S TESTIMONY.

Mr. Charles A. Sherman said he was a member of the Bar and had practised in this city for thirty years; he knew Mrs. Caroine A. Merrill; I knew her husband very well; I did business for him; I had some legal proceedings in 1858 in which Mrs. Merrill acconcerned; she had some money belonging to the widow and children of Captain Knight which sie wished to give up, and I was employed by Captain Edwards to obtain it; I went to the Surrogate's office in Brooklyn and there I met Mrs. Merrill, I understood that she was there to be discombarrassed of the money;

I had a conversation with her and suggested the appointment of a guardian for the two children; site was in a terrible rage about something and dendenced Mrs. Knight; she said the latter was a had woman and was trying to cheat her in some way; I tried to explain to her that I would do everything I could to as-ist her; I had heard that Mr. Alexander W. Bradford was her counsel and I told her; I went to the Surrogate's Court a second time and Mr. Bradford own her same things that I told her; I went to the Surrogate's Court a second time and Mr. Bradford could not attend; Mrs. Merrill denied that Mr. Bradford was her counsel; I had a note from him dearing the matter postponed because he could not attend; she refused to have it postponed; she took her seat and began reading; I looked over and saw it was a Testament or a Bible that she was reading; I explained to her that this Mrs. Knight was a widow woman who did not understand these matters; I finally succeeded in perfecting the honds; I called upon Mr. Bradford, and he made an arrangement to have the bonds of the guardian flied; Mr. Bradford gave me a certified check for the amount, and I gave the boat of the guardian flied; Mr. Bradford, and we made an arrangement to have the boat of the guardian flied; but I know that her manner impressed me that she had a great malignity against Mrs. Knight and he melet acided in any such way before Mr. Merrill's death. In cross-examination Mr. Sherman said that this was in November, 1858; it might have been in October.

THE DKAP WITNESS.

never acted in any such way before Mr. Merrill's death. In cross-examination Mr. Sherman said that this was in November, 1858; it might have been in October.

THE DEAP WITNESS.

Mr. Ship T. Farrish, who was somewhat doaf, was examined by Mr. Parsons, who stood besides the witness' chair to put the questions, and in reply said:—I reside at No. 70 Park avenue; I was formerly a merchant in this city; I retired from business in 1856; I know George Merrill; I have known him since he was a boy; I knew Captain and Mrs. Merrill; I became acquainted with them about 1841 or 1842; I was quite intimate with them down to the time of Captain Merrill's death; from all that occurred I concluded that they thought a world of George; they showed the kindness of a father and mother toward a son; this feeling continued down to the time Mr. George Merrill became engaged to a young indy; down to the time of Captain Merrill's death Mrs. Merrill was a kind, affectionate and cultivated lady; I did not see her much after Captain Merrill's death; I was in Europe a great deal; I noticed a change that was very marked indeed; I knew Mrs. George Merrill before she became Mrs. Merril; she moved in good society in New York; I have continued my acquaintance with her down to the present time.

"What were the characteristics and appearance of this lady, Mr. Farrish?"

"Most elegant; she mounted high above a thousand ladies in appearance." (Laughier, in which the lew lacies in court johed heartily.)

Witness resumed:—I could not fix the date when George Merrill was engaged to her; the unmarried name of Mrs. George Merrill was Miss. Laug; st my own suggestion I called upon Mrs. Merrill at the Astor House just after this singagement; I went to her and said that I flought she had taken up a very wrong impression with regard to the young lady; if yent dawn to see if I could change her in some way.

"What did you say, sir?"

"It have no doubt that I said everything that was pleasant with regard to the young lady; if course noodly could do cherwise who k

crazy."

This answer was ordered to be stricken out, and as the audience was indulging in bursts of lauguter the witness looked with a surprised and inquiring expression around the room.

Mr. Parsons to witness.—How decided was the impression made upon your mind by the interview as to ner being rational or otherwise?

Ex.Judge Porter objected.

Mr. Parsons—I am not permitted to ask you that question, Mr. Farrish.

This was too great an indignity for the witness, and he turned in his chair, and addressing the Surrogate, said, in an earnest and excited tone:—"You brought me here to tell the truth, the whole truth and nothing but the truth, and that I am going to do. Now you want me to tell only a part of it," (More laughter.)

The Surrogate, with great solemnity—You are correct in your supposition that you are to tell the whole truth, but you must tell it under my direction, and I do not propose to receive any lecture about it, either.

\*\*\*XRS. MERRILL'S APPRARANCE.\*\*

"What was the appearance of Mrs. Merrill as to dress at the time you speak of?"

"She always reminded me of an evil spirit dressed up in old ciones. (Laughter.) People would ask me if that was Mrs. Merrill and I would say it was."

"Whom did you over see her with?"

"I saw her riding at Saratoga with the bead chamber with."

"Whom day you over see her with?"

"She was very ladylike; the last time I saw her was in Saratoga in 1865."

"What was Mrs. Merrill's manner before Captain Merrill's death?"

"She was very ladylike; the last time I saw her was in Saratoga in 1865."

In the cross-examination, which was very short, the witness said that Mrs. Merrill was very angry at the time he and her at the Astor House, and that it was in relation to George Merrill's marriage; saw her riding in Saratoga; she was in an open carriage; he did not remember any time when she went out riding that she was not accompanied by a servant. The further hearing was adjourned to Friday morning, at eleven o'clock.

A number of members of the Board of Managers of buildings in Westenester county, near West Farms. The visit was not merely one of general inspection, but had special reference to the new hospital and nursery buildings which have just been completed on the grounds. The guests were Vicar General Quinn. Bishop W. S. Jones, of the Episcopal Church; T. S. Brennan, Commissioner of Charities and Correction, and Rev. Brother Paulian, visitor of the Christian Brothers. The visitors first passed through the workshops of the printing, the shoemaking, the tailoring and the chaircaning departments. There are 450 of age, who do no work, directing all their time to study. The rest of the male inmates, 990 in number, work on the farm, in the stables, in the wheelwright, blacksmith and engine shops, in the gas house and

The new infirmary is connected with the small building formerly used as such by a corridor seventyfive feet long, thoroughly ventilated by windows on each side. At the end of this buildings branch out on each side measuring forty-five feet by twenty-one; that on the north is divided into eight small rooms for the isolation and treatment of special cases. Another corridor, in a line with the above mentioned one, and forty feet long, leads to two more buildings of the same dimensions, but each divised into two large words. At the end of the corridor is a building twenty-five feet square, which contains closets, bathrooms and ample washing arrangements. The second floor is similar to the lower, except that each of the four wards is divided into two large rooms. The second second second second second second second second second wards will be separated from those of the rest, so that it will be impossible for the children to spread infection among each other while recovering from sickness. The arrangements for ventiation are unusually perfect. No paint has been used, but all the interior wood work is coated with shellac varnish. This building, as well as the rear nursery, is a frame structure, very soludy built. The new nursery for small boys is on the grounds of the lemale department. It measures 50 feet by 75, and contains ample classrooms, dormitories and playrooms for the youngsters. Here, as in the hospital, special attention has been pard to the ventilation and heating of the rooms. Both buildings are remarkably light, cheerful and comfortable. The visitors next were shown a room which is being fitted as a kiniting room. It was explained that the industries now carried on do not pay their own expenses, out it is expected that this new branch will contribute a late ramount to the support of the institution. It will be taught to 100 boys and 100 girls.

the institution. It will be taught to 100 boys and lougirls.

A dinner was prepared in the parior of the female department, at half-past two o'clock P. M., for the strangers. The band of the Proceedory performed several pieces in a creditable manner. Toasts were drunk to Commussioner Breunan, the Pross, the Sisters of Charity, the Christian Brothers and the Dominican Fathers.

After dinner the gentlemen returned to the city well pleased with what they had seen and the hospitable treatment they had received.

# IMPORTERS AND GROCERS.

The Importers and Grocers' Board of Trade held its nouthly meeting at No. 87 Wall street yesterday. The chairman of the meeting, Mr. George W. directed attention to the much aguated question o freights to the West and the unfair discriminations

adopted:—
Resolved, That this Board appoint a committee of four to act in conjunction with the committee of the Chamber of Commerce in considering the alieged discrimination against New York in railroad freights.

Messrs, William A. Booth, B. G. Arnold, D. M. Turnure, H. Farrington and B. Dash were named by the challrana as such committee. On motion of Mr. Farrington Messra E. W. Corhes, J. A. Livingston, H. E. Hawley, Roswald Steele and George W. Lane were named as a committee to consider the Silver bill and report at a special meeting, if such action should be deemed necessary.

THE SUGAR TRADE.

A meeting of sugar importers and refiners was held in the rooms of the Importers and Grocers' Board of Trade yesterday to consider the proposed changes in the rates of inrif. There was no definite action taken, however, and the meeting, after some discussion, ad-journed until this afternoon.

### MARRIAGES AND DEATHS.

HAYES—MAXWELL.—On Tuesday, February 5, at St.
Patrick's Cathedral, by the Rev, James H. Corrigan,
of Seton Hall, John E. Hayes to Mary E. Maxwell,
both of this city.
McGown—Rex.—On Monday, Pebruary 5, 1878, at
the residence of the bride's parents, Tremont, New
York city, by Rev. George Nixon, Gronge W. McGown to Miss Addis, daugnter of Charles Roc. No
cards.

cards.
WHITNEY-RIGH.-In Philadelphia, June 24, 1874,
WILLIAM WHITNEY to Mile. BETTY RIGH.

DIED. -

DIED.

ANDERSON.—At Port Richmond, Staten Island, February 5, Lizzie S., wife of Capasin W. A. Anderson, in the 28th year of her age.

A loving wife and affectionate mother. She died in full faith of her Redoumer. Funeral services this Thursday, two o'clock, at Trinity Methodist Episcopal Charch, West New Brighton, Staten Island.
Baldwin.—In this city, on Monday, February 4, Ann Baldwin, widow of the late Thomas Baldwin 4. Relatives and friends of the Inmily are respectfully invited to attend the funeral, on Thursday, 7th inst., at hali-past one o'clock, from St. Peter's Church. Westcehoster coat leaves fulton slip at 11:15 to connect with train.

Bablow.—Meliesa Barlow, wife of Edgar Barlow and daughter of the late Stedwell Frost, of North Salem, Westchester county, N. Y., in the 44th year of her age.

Funeral services will take place at her late residence, No. 66 Green st., Greenpoint, on Thursday, 7th inst., at seven P. M. Interment at Somers, N. Y.

Bedell., in the 84th year of his age.

Funeral from Grace Church, Brooklyn Heights, on Friday, February 8, at hali-past twelve o'clock.

Berrstred.—At Catskill, on the 31 inst., Capitaline, widow of the late Peter Breasted, aged 90 years.

Funeral from ther late residence, on Thursday, at three o'clock P. M.

Berush.—Suddenly, February 5, Charity Brush, widow of the late Pilander Brush, aged 78 years.

Notice of funeral nereditor. No flowers.

Bervan.—At akien, S. C., Febrgary 2, 1878, Brush, widow of the internal from his late residence, 205 East 87th st., on Friday, St. hist., at line A. M. The remains will be taken to Utica, N. Y., for interment.

Callan.—On Tuessay, February 3, Petrac Callan, and the of the one of clock, the service of the one, 98 Eagle street, in Greenpoint, on Friday, the 8th inst., at one o'clock, connell.—On February 6, Ann Cogar, widow of Philip Cogan, a native of county Galway, Ireland, in the 36th year of her age.

The relatives and friends of the family are respectfully invited to attend the juneral, from his late residence, 331 7th

daughter of Charles B. and Marie L. Cornell.
Funeral will take piace on Friday, at one o'clock P. M., from the residence of her parenes, No. 222 East 21st.
Coupert.—On February 5, 1878, of membranous croup, Christine Marie, daughter of Frederic R. and Elizabeth E. Coudert, in the 4th year of her age.
Funeral will take place from St. Ann's Church, 12th st., near 4th av., on Thursday, the 7th lists, at half-past nine A. M.
Dunbar.—In this city, suddenly, 6th inst., Clarence, two son of Eben F. and Amelia T. Dunbar.
Boston papers please copy.
Dunbar.—At Flushing, L. L, February 5, Whitz-mad Dunyar, in the Sist year of his age.
The friends of the family are respectfully invited to attend the funeral to-day (Thursday), at 2 o'clock, from his late residence, Franklyn piace, near Jamaica av.
Dwyrz.—February 5, Margaret Dwyrz, a native of Littleton, county Tipperary, Ireland, aged 89 years.
Funeral from 413 West 30th st., this Thursday, at half-past one o'clock. Friphds are invited.
Gallagher.—On Tuesday, February 5, at the residence of his father, 55 Chinon av., Brookiyn, Willias F. Gallagher, in the 234 year of his age.
Rejatives and friends are respectfully invited to attend the funeral on Friday, 8th inst., at half-past nine o'clock, from Church of Sacred Heart, Clermont av.
Gilligan.—At Palatka, Fla., on January 31, James

GILLIGAN.—At Palatka, Fla., on January 31, James GILLIGAN, of this city.

The relatives and friends of the family are requested to attend the funeral from St. Michael's Church, 9th av. and 32d st., this day (Thursday), at cleven A. M., where a selemn requiem mass will be celebrated for the repose of his soul.

HAMMILL.—On Wednesday, February 6, Bernard HAMMILL, in the 18th year of his age.

Friends of the family and those of his uncle, Bernard Courtney, are respectfully invited to attend the funeral, on Friday, the 8th Inst., at one P. M., from 235 10th av.

HEADDEN.—At Harlem, Wednesday, February 6, inst., January 6, inst., January 6, inst., January 6, inst., January 6, of Chas. H. Headden, aged 35 years, 6 months.

Relatives and friends of family are respectfully invited to attend the funeral, on Friday, February 8, at one P. M., at her late residence, 2,309 4th av., between 125th and 126th sis.

HARLY-MARTINEZ.—Saddenly, on Tuesday, February 5, 1878, Juan Mahtinez-Hernz, in the 51st year of his are.

re. Relatives and friends of the family are respectfully

Relatives and friends of the lamily are respectfully invited to attend the funeral, from the residence of his brother, No. Il East 29th st., on Friday, the 8th inst., at haif-past ten A. M.

HERTS.—On Tuesday, of congestion of the brain, Danoran, only child of Isaac H. and Florence Stines Heris, aged 10 months.

Relatives and friends are respectfully invited to attend the funeral, this (Thursday), atternoon, at one o'clock, from No. 156 West 44th st. No flowers.

HILL.—At Albany, on the 5th inst., AGMES HILL, youngest daughter of Alexander and Janet Hill (de-

stiend the lunoral, this (Thursday), alternoon, at one o'clock, from No. 166 West 44th st. No flowers. Hill.—At Albany, on the 5th inst., Addes Hill youngest daughter of Alexander and Janet Hill (decased in the 224 year of her age.

Funeral on Friday, 5th inst., st one P. M., from the residence of her sister, on Madison av., near Quali st., Albany, N. Y.

KARSQUE.—John F. C. Kausche, aged 43 years.
Funeral Thursday, February 7, two P. M. Residence No. 226 Hudson St., Hotoken, N. J.

KEATISG.—At his late residence, 122 Harrison st., Brooklyn, on Tuesday, February 5, Thomas, beloved husband of Johanna Keating, native of Graigue, county Kilkenny, Ireland, aged 48 years.

Funeral irom St. Peter's Church, Hicks and Warren sts., at half-past ten o'clock A. M., on Thursday, Relatives and Irlends of the family, and those of his brother Edward, arg respectfully invited to attend.

Kennan.—At her late residence, 113 Lawrence st., Brooklyn, on Wednessay morning, February 6, 1878, of apoplexy, Mrs. Margaret Kernan, in the 73d year of her age.

Funeral on Friday, at ten A. M., from St. James' Cathedral, Jay st., Brooklyn. Relatives and friends of the family, also of her son, C. W. Keenan, are respectfully invited to attend.

Lynca.—On February 6, 1878, at the residence of his brother-in-law, 43 Monroe st., Dennis Lyncs, aged 19 years and 9 months.

Funeral Friday, February 8, 1878, two o'clock P. M. Mayres.—On Monday, February 4, John M. Mayres.—In the 21st year of his age.

Funeral irom St. Peter's Evangelical Lutheran Church, corner 46th st. and Lexington av., on Thursday, February 7, at one P. M.

Parsoxs.—On Monday evening, February 4, Julia Russel, of this city.

Relatives and iriends are invited to attend the funeral from her fate residence, 214 East 12th st., on Inursday atternoon, February 7, at turee o'clock. Friends will please not send flowers.

Philadelphia p.pers please copy.

Petrit.—At Astoria, on Tuesday, February 5, of cousumption, William A, February 5, the Mayres and friends are respectfully invited to at

Functain Thursday, the 7th inst., at one o'clock P. M., from 253 East 10th st. Friends respectfully invited.

Funeral on Thursday, the 7th inst., at one o'clock P. M., from 253 East 10th st. Friends respectfully invited.

SHAMIY.—On Tuesday, February 5, after a snort ill. ness, Mar, youngest daugner of M. J. and M. A. Shably, aged 1 year and 3 months.

Relatives and friends are invited to attend the funeral, on Thursday, 7th inst., from residence of her parents, 462 Canal st., at two o'clock.

SHELLEY.—On Tuesday, February 5, 1878, at the residence of her son-in-law, P. Higgins, Esq., 223 East 383 st., Mark, widow of Dennis Shelley, Esq., and mother of Fnomas, John, Michael F., Edward J. and Margaret, in the 71st year of her age.

the funeral will take piace from St. Lawrence's Roman Catholic Church, 84th St., pear Madison av., Thursday, February 7, 1878, at ton A. M. Shopp.—On the 6th inst., Georgiana E., wife of John M. Shopp, and youngest daughter of Garrett Buyler, of Tenady, N. J., aged 24 years.

Notice of funeral in to-morrow's paper.

Sprights.—February 5, William T. Sprights.

His remains will be taken to Baltimore for interment from his late residence, 204 East 63d st.

Philadelphia and Baltimore papers please copy.

VOLCKHER.—Suddenly, on Mednesday, February 6, at Ne. 407 Quincy st., Brooklyn, Hanky E. Volckher, aged 54 years, 9 months and 14 days.

Relatives and friends of the family are invited to attend the funeral, from his late residence, on Friday afternoon, February 8, at two o'clock.

Wood.—Mary L. Wood, ormerly of New York city.

Funeral services from her late residence, on Thursday, Til inst., at two P. M.

Yonkers papers please cody.